#### Calendar No. 789

110TH CONGRESS 2D SESSION

### S. 1281

[Report No. 110-357]

To amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

#### IN THE SENATE OF THE UNITED STATES

May 3, 2007

Mr. Thomas (for himself and Mr. Barrasso) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

June 16, 2008

Reported by Mr. BINGAMAN, with an amendment [Strike out all after the enacting clause and insert the part printed in italic]

#### A BILL

To amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

1	SECTION 1. SHORT TITLE.
2	This Act may be cited as the "Snake Headwaters
3	Legacy Act of 2007".
4	SEC. 2. FINDINGS; PURPOSES.
5	(a) FINDINGS.—Congress finds that—
6	(1) the headwaters of the Snake River System
7	in northwest Wyoming feature some of the cleanest
8	sources of freshwater, healthiest native trout fish-
9	eries, and most intact rivers and streams in the
10	lower 48 States;
11	(2) the rivers and streams of the headwaters of
12	the Snake River System—
13	(A) provide unparalleled fishing, hunting,
14	boating, and other recreational activities for-
15	(i) local residents; and
16	(ii) millions of visitors from around
17	the world; and
18	(B) are national treasures;
19	(3) each year, recreational activities on the riv-
20	ers and streams of the headwaters of the Snake
21	River System generate millions of dollars for the
22	economies of—
23	(A) Teton County, Wyoming;
24	(B) Lincoln County, Wyoming; and

(C) Sublette County, Wyoming;

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1	(4) to ensure that future generations of citizens
2	of the United States enjoy the benefits of the rivers
3	and streams of the headwaters of the Snake River
4	System, Congress should apply the protections pro-
5	vided by the Wild and Scenic Rivers Act (16 U.S.C.
6	1271 et seq.) to those rivers and streams; and
7	(5) the designation of the rivers and streams of
8	the headwaters of the Snake River System under the
9	Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.)
10	will signify to the citizens of the United States the
11	importance of maintaining the outstanding and re-
12	markable qualities of the Snake River System
13	while—
14	(A) preserving public access to those rivers
15	and streams;
16	(B) respecting private property rights (in-
17	cluding existing water rights); and
18	(C) continuing to allow traditional uses of
19	the rivers and streams, including—
20	(i) fishing;
21	(ii) hunting;
22	(iii) camping;
23	(iv) the use of all-terrain vehicles;
24	(v) boating;
25	(vi) snowmobiling:

1	(vii) outfitting; and
2	(viii) livestock grazing.
3	(b) Purposes.—The purposes of this Act are—
4	(1) to protect for current and future genera-
5	tions of citizens of the United States the remarkable
6	scenic, natural, wildlife, fishery, recreational, sci-
7	entific, historic, and ecological values of the rivers
8	and streams of the headwaters of the Snake River
9	System; and
10	(2) to designate 442.5 miles of the rivers and
11	streams of the headwaters of the Snake River Sys-
12	tem as additions to the National Wild and Scenie
13	Rivers System.
13 14	Rivers System.  SEC. 3. DEFINITIONS.
14	SEC. 3. DEFINITIONS.
14 15	SEC. 3. DEFINITIONS.  In this Act:
14 15 16	SEC. 3. DEFINITIONS.  In this Act:  (1) SECRETARY CONCERNED.—The term "Sec-
14 15 16 17	SEC. 3. DEFINITIONS.  In this Act:  (1) SECRETARY CONCERNED.—The term "Secretary concerned" means—
14 15 16 17 18	SEC. 3. DEFINITIONS.  In this Act:  (1) SECRETARY CONCERNED.—The term "Secretary concerned" means—  (A) the Secretary of Agriculture (acting)
14 15 16 17 18	SEC. 3. DEFINITIONS.  In this Act:  (1) SECRETARY CONCERNED.—The term "Secretary concerned" means—  (A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with
14 15 16 17 18 19 20	SEC. 3. DEFINITIONS.  In this Act:  (1) SECRETARY CONCERNED.—The term "Secretary concerned" means—  (A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in para-
14 15 16 17 18 19 20 21	SEC. 3. DEFINITIONS.  In this Act:  (1) Secretary concerned.—The term "Secretary concerned" means—  (A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (170) of section 3(a) of the Wild and

1	(B) the Secretary of the Interior, with re-
2	speet to each river segment described in para-
3	graph (170) of section 3(a) of the Wild and
4	Scenie Rivers Act (16 U.S.C. 1274(a)) (as
5	added by section 4(4)) that is located in the
6	Grand Teton National Park.
7	(2) STATE.—The term "State" means the State
8	of Wyoming.
9	SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, SNAKE
10	RIVER SYSTEM.
11	Section 3(a) of the Wild and Scenic Rivers Act (16
12	U.S.C. 1274(a)) is amended—
13	(1) by redesignating paragraph (167) (relating
14	to the Musconetcong River, New Jersey) as para-
15	<del>graph (169);</del>
16	(2) by designating the undesignated paragraph
17	relating to the White Salmon River, Washington, as
18	paragraph (167);
19	(3) by designating the undesignated paragraph
20	relating to the Black Butte River, California, as
21	paragraph (168); and
22	(4) by adding at the end the following:
23	"(170) Wild and scenic river designa-
24	TIONS SNAKE RIVER SYSTEM.—The following seg-

1	ments of the Snake River System, in the State of
2	Wyoming:
3	"(A) BAILEY CREEK.—The 7-mile segment
4	of Bailey Creek, from the divide with the Little
5	Greys River north to its confluence with the
6	Snake River, as a wild river.
7	"(B) Blackrock creek.—The 22-mile
8	segment from its source to the Bridger-Teton
9	National Forest boundary, as a scenic river.
10	"(C) Buffalo fork of the snake
11	RIVER.—The portions of the Buffalo Fork of
12	the Snake River, consisting of—
13	"(i) the 55-mile segment consisting of
14	the North Fork, the Soda Fork, and the
15	South Fork, upstream from Turpin Mead-
16	ows, as a wild river;
17	"(ii) the 14-mile segment from Turpin
18	Meadows to the upstream boundary of
19	Grand Teton National Park, as a scenie
20	river; and
21	"(iii) the 7.7-mile segment from the
22	upstream boundary of Grand Teton Na-
23	tional Park to its confluence with the
24	Snake River, as a scenic river.

1	"(D) CLIFF CREEK.—The portions of Cliff
2	Creek, consisting of—
3	"(i) the 9-mile segment from its
4	source to Cliff Creek Falls trailhead, as a
5	wild river; and
6	"(ii) the lower 8-mile segment to the
7	confluence of the Hoback River, as a sec-
8	nie river.
9	"(E) Crystal creek.—The portions of
10	Crystal Creek, consisting of—
11	"(i) the 14-mile segment from its
12	source to the Gros Ventre Wilderness
13	boundary, as a wild river; and
14	"(ii) the 5-mile segment from the
15	Gros Ventre Wilderness boundary to its
16	confluence with the Gros Ventre River, as
17	a scenic river.
18	"(F) Granite Creek.—The portions of
19	Granite Creek, consisting of—
20	"(i) the 12-mile segment from its
21	source to the end of Granite Creek Road,
22	as a wild river; and
23	"(ii) the 10.5-mile segment from
24	Granite Hot Springs to its confluence with
25	the Hoback River, as a seenic river.

1	"(G) Gros ventre river.—The portions
2	of the Gros Ventre River, consisting of—
3	"(i) the 16.5-mile segment from its
4	source to Darwin Ranch, as a wild river;
5	"(ii) the 39-mile segment from Dar-
6	win Ranch to the upstream boundary of
7	Grand Teton National Park, excluding the
8	section along Lower Slide Lake, as a sec-
9	nie river; and
10	"(iii) the 10.8-mile segment flowing
11	across the southern boundary of Grand
12	Teton National Park to the Highway 89
13	bridge, as a scenie river.
14	"(H) Hoback River.—The portions of the
15	Hoback River, consisting of—
16	"(i) the 7.5-mile segment from its
17	source to the end of Forest Road 30710,
18	as a wild river; and
19	"(ii) the 17-mile segment from the
20	mouth of Cliff Creek to its confluence with
21	the Snake River, as a recreational river.
22	"(I) Lewis river.—The portions of the
23	Lewis River, consisting of—

1	"(i) the 5-mile segment from Sho-
2	shone Lake to Lewis Lake, as a wild river;
3	and
4	"(ii) the 12-mile segment from the
5	outlet of Lewis Lake to its confluence with
6	the Snake River, as a scenic river.
7	"(J) Pacific creek.—The portions of Pa-
8	cific Creek, consisting of—
9	"(i) the 22.5-mile segment from its
10	source to the Teton Wilderness boundary,
11	as a wild river; and
12	"(ii) the 11-mile segment from the
13	Wilderness boundary to its confluence with
14	the Snake River, as a scenic river.
15	"(K) SHOAL CREEK.—The 17-mile seg-
16	ment from its source to its confluence with the
17	Hoback River, as a wild river.
18	"(L) SNAKE RIVER.—The portions of the
19	Snake River, consisting of—
20	"(i) the 47-mile segment from its
21	source to Jackson Lake, as a wild river;
22	"(ii) the 24.8-mile segment from 1
23	mile downstream of Jackson Lake Dam to
24	1 mile downstream of the Teton Park

1	Road bridge at Moose, Wyoming, as a see-
2	nie river; and
3	"(iii) the 20-mile segment from the
4	mouth of the Hoback River to Palisades
5	Reservoir, as a recreational river.
6	"(M) Willow Creek.—The 21-mile seg-
7	ment from its source to its confluence with the
8	Hoback River, as a wild river.
9	"(N) Wolf Creek.—The 7-mile segment
10	from its source to its confluence with the Snake
11	River, as a wild river.".
12	SEC. 5. MANAGEMENT.
13	(a) In General.—Each river segment described in
14	paragraph (170) of section 3(a) of the Wild and Scenie
15	Rivers Act (16 U.S.C. 1274(a)) (as added by section 4(4))
16	shall be managed by the Secretary concerned.
17	(b) Management Plan.—Not later than 3 years
18	after the date of enactment of this Act, the Secretary con-
19	cerned shall develop a management plan for each river
20	segment described in paragraph (170) of section 3(a) of
21	the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as
22	added by section 4(4)) that is located in an area under
23	the jurisdiction of the Secretary concerned.
24	(c) Federal Reserved Water Right.—

1	(1) In General.—Subject to paragraph (2), in
2	accordance with the laws (including regulations) of
3	the State, the Secretary concerned shall apply for
4	the quantification of the water right reserved by
5	each river segment described in paragraph (170) of
6	section 3(a) of the Wild and Scenic Rivers Act (16
7	U.S.C. 1274(a)) (as added by section 4(4)) that is
8	located in an area under the jurisdiction of the Sec-
9	retary concerned.
10	(2) Requirements.—Notwithstanding any law
11	(including a regulation) of the State relating to the
12	granting or exercising of any water right, each river
13	segment that is the subject of an application under
14	paragraph (1) shall—
15	(A) be designated for a beneficial use; and
16	(B) have a priority date that is the date of
17	enactment of this Act.
18	SEC. 6. AUTHORIZATION OF APPROPRIATIONS.
19	There are authorized to be appropriated—
20	(1) \$350,000 to develop a management plan for
21	each river segment described in paragraph (170) of
22	section 3(a) of the Wild and Scenic Rivers Act (16
23	U.S.C. 1274(a)) (as added by section 4(4)) that is
24	located in the Bridger-Teton National Forest; and

1	(2) \$250,000 to develop a management plan for
2	each river segment described in paragraph (170) of
3	section 3(a) of the Wild and Scenic Rivers Act (16
4	U.S.C. 1274(a)) (as added by section 4(4)) that is
5	located in Grand Teton National Park.
6	SECTION 1. SHORT TITLE.
7	This Act may be cited as the "Craig Thomas Snake
8	Headwaters Legacy Act of 2008".
9	SEC. 2. FINDINGS; PURPOSES.
10	(a) Findings.—Congress finds that—
11	(1) the headwaters of the Snake River System in
12	northwest Wyoming feature some of the cleanest
13	sources of freshwater, healthiest native trout fisheries,
14	and most intact rivers and streams in the lower 48
15	States;
16	(2) the rivers and streams of the headwaters of
17	the Snake River System—
18	(A) provide unparalleled fishing, hunting,
19	boating, and other recreational activities for—
20	(i) local residents; and
21	(ii) millions of visitors from around
22	the world; and
23	(B) are national treasures;
24	(3) each year, recreational activities on the riv-
25	ers and streams of the headwaters of the Snake River

1	System generate millions of dollars for the economies
2	of—
3	(A) Teton County, Wyoming; and
4	(B) Lincoln County, Wyoming;
5	(4) to ensure that future generations of citizens
6	of the United States enjoy the benefits of the rivers
7	and streams of the headwaters of the Snake River
8	System, Congress should apply the protections pro-
9	vided by the Wild and Scenic Rivers Act (16 U.S.C.
10	1271 et seq.) to those rivers and streams; and
11	(5) the designation of the rivers and streams of
12	the headwaters of the Snake River System under the
13	Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.)
14	will signify to the citizens of the United States the
15	importance of maintaining the outstanding and re-
16	markable qualities of the Snake River System while—
17	(A) preserving public access to those rivers
18	and streams;
19	(B) respecting private property rights (in-
20	cluding existing water rights); and
21	(C) continuing to allow historic uses of the
22	rivers and streams.
23	(b) Purposes.—The purposes of this Act are—
24	(1) to protect for current and future generations
25	of citizens of the United States the outstandingly re-

1	markable scenic, natural, wildlife, fishery, rec-					
2	reational, scientific, historic, and ecological values of					
3	the rivers and streams of the headwaters of the Snake					
4	River System, while continuing to deliver water and					
5	operate and maintain valuable irrigation water in-					
6	frastructure; and					
7	(2) to designate approximately 387.7 miles of the					
8	rivers and streams of the headwaters of the Snake					
9	River System as additions to the National Wild and					
10	Scenic Rivers System.					
11	SEC. 3. DEFINITIONS.					
12	In this Act:					
13	(1) Secretary concerned.—The term "Sec-					
14	retary concerned" means—					
15	(A) the Secretary of Agriculture (acting					
16	through the Chief of the Forest Service), with re-					
17	spect to each river segment described in para-					
18	graph (170) of section 3(a) of the Wild and Sce-					
19	nic Rivers Act (16 U.S.C. 1274(a)) (as added by					
20	section 4(4)) that is not located in—					
21	(i) Grand Teton National Park;					
22	(ii) Yellowstone National Park;					
23	(iii) the John D. Rockefeller, Jr. Me-					
24	morial Parkway; or					
25	(iv) the National Elk Refuge; and					

1	(B) the Secretary of the Interior, with re-				
2	spect to each river segment described in para-				
3	graph (170) of section 3(a) of the Wild and S				
4	nic Rivers Act (16 U.S.C. 1274(a)) (as added				
5	section 4(4)) that is located in—				
6	(i) Grand Teton National Park;				
7	(ii) Yellowstone National Park;				
8	(iii) the John D. Rockefeller, Jr. M				
9	morial Parkway; or				
10	(iv) the National Elk Refuge.				
11	(2) State.—The term "State" means the State				
12	of Wyoming.				
13	SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, SNAKE				
14	RIVER SYSTEM.				
15	Section 3(a) of the Wild and Scenic Rivers Act (16				
16	U.S.C. 1274(a)) is amended—				
17	(1) by redesignating paragraph (167) (relating				
18	to the Musconetcong River, New Jersey) as paragraph				
19	(169);				
20	(2) by designating the undesignated paragraph				
21	relating to the White Salmon River, Washington, as				
22	paragraph (167);				
23	(3) by designating the undesignated paragraph				
24	relating to the Black Butte River, California, as				
25	paragraph (168); and				

1	(4) by adding at the end the following:
2	"(170) WILD AND SCENIC RIVER DESIGNATIONS,
3	SNAKE RIVER SYSTEM.—The following segments of the
4	Snake River System, in the State of Wyoming:
5	"(A) Bailey Creek.—The 7-mile segment
6	of Bailey Creek, from the divide with the Little
7	Greys River north to its confluence with the
8	Snake River, as a wild river.
9	"(B) Blackrock creek.—The 22-mile seg-
10	ment from its source to the Bridger-Teton Na-
11	tional Forest boundary, as a scenic river.
12	"(C) Buffalo fork of the snake
13	RIVER.—The portions of the Buffalo Fork of the
14	Snake River, consisting of—
15	"(i) the 55-mile segment consisting of
16	the North Fork, the Soda Fork, and the
17	South Fork, upstream from Turpin Mead-
18	ows, as a wild river;
19	"(ii) the 14-mile segment from Turpin
20	Meadows to the upstream boundary of
21	Grand Teton National Park, as a scenic
22	river; and
23	"(iii) the 7.7-mile segment from the
24	upstream boundary of Grand Teton Na-

1	tional Park to its confluence with the Snake
2	River, as a scenic river.
3	"(D) Crystal creek.—The portions of
4	Crystal Creek, consisting of—
5	"(i) the 14-mile segment from its
6	source to the Gros Ventre Wilderness bound-
7	ary, as a wild river; and
8	"(ii) the 5-mile segment from the Gros
9	Ventre Wilderness boundary to its con-
10	fluence with the Gros Ventre River, as a sce-
11	nic river.
12	"(E) Granite Creek.—The portions of
13	Granite Creek, consisting of—
14	"(i) the 12-mile segment from its
15	source to the end of Granite Creek Road, as
16	a wild river; and
17	"(ii) the 9.5-mile segment from Gran-
18	ite Hot Springs to the point 1 mile up-
19	stream from its confluence with the Hoback
20	River, as a scenic river.
21	"(F) Gros ventre river.—The portions of
22	the Gros Ventre River, consisting of—
23	"(i) the 16.5-mile segment from its
24	source to Darwin Ranch, as a wild river;

1	"(ii) the 39-mile segment from Darwin
2	Ranch to the upstream boundary of Grand
3	Teton National Park, excluding the section
4	along Lower Slide Lake, as a scenic river;
5	and
6	"(iii) the 3.3-mile segment flowing
7	across the southern boundary of Grand
8	Teton National Park to the Highlands
9	Drive Loop Bridge, as a scenic river.
10	"(G) Hoback river.—The 10-mile segment
11	from the point 10 miles upstream from its con-
12	fluence with the Snake River to its confluence
13	with the Snake River, as a recreational river.
14	"(H) Lewis river.—The portions of the
15	Lewis River, consisting of—
16	"(i) the 5-mile segment from Shoshone
17	Lake to Lewis Lake, as a wild river; and
18	"(ii) the 12-mile segment from the out-
19	let of Lewis Lake to its confluence with the
20	Snake River, as a scenic river.
21	"(I) Pacific creek.—The portions of Pa-
22	cific Creek, consisting of—
23	"(i) the 22.5-mile segment from its
24	source to the Teton Wilderness boundary, as
25	a wild river; and

1	"(ii) the 11-mile segment from the Wil-
2	derness boundary to its confluence with the
3	Snake River, as a scenic river.
4	"(J) Shoal creek.—The 8-mile segment
5	from its source to the point 8 miles downstream
6	from its source, as a wild river.
7	"(K) Snake river.—The portions of the
8	Snake River, consisting of—
9	"(i) the 47-mile segment from its
10	source to Jackson Lake, as a wild river;
11	"(ii) the 24.8-mile segment from 1 mile
12	downstream of Jackson Lake Dam to 1 mile
13	downstream of the Teton Park Road bridge
14	at Moose, Wyoming, as a scenic river; and
15	"(iii) the 19-mile segment from the
16	mouth of the Hoback River to the point 1
17	mile upstream from the Highway 89 bridge
18	at Alpine Junction, as a recreational river,
19	the boundary of the western edge of the cor-
20	ridor for the portion of the segment extend-
21	ing from the point 3.3 miles downstream of
22	the mouth of the Hoback River to the point
23	4 miles downstream of the mouth of the
24	Hoback River being the ordinary high water
25	mark.

1 "(L) WILLOW CREEK.—The 16.2-mile seg-2 ment from the point 16.2 miles upstream from its confluence with the Hoback River to its con-3 4 fluence with the Hoback River, as a wild river. 5 "(M) WOLF CREEK.—The 7-mile segment 6 from its source to its confluence with the Snake 7 River, as a wild river.". 8 SEC. 5. MANAGEMENT.

- 9 (a) IN GENERAL.—Each river segment described in 10 paragraph (170) of section 3(a) of the Wild and Scenic Riv-11 ers Act (16 U.S.C. 1274(a)) (as added by section 4(4)) shall 12 be managed by the Secretary concerned.
- 13 (b) Management Plan.—
- 14 (1) In General.—In accordance with para-15 graph (2), not later than 3 years after the date of en-16 actment of this Act, the Secretary concerned shall de-17 velop a management plan for each river segment de-18 scribed in paragraph (170) of section 3(a) of the Wild 19 and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added 20 by section 4(4)) that is located in an area under the 21 jurisdiction of the Secretary concerned.
  - (2) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under paragraph (1) shall contain, with respect to the river segment that is the subject of the plan, a section that

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1	contains an analysis and description of the avail-
2	ability and compatibility of future development with
3	the wild and scenic character of the river segment
4	(with particular emphasis on each river segment that
5	contains 1 or more parcels of private land).
6	(c) Quantification of Water Rights Reserved by
7	River Segments.—
8	(1) The Secretary concerned shall apply for the
9	quantification of the water rights reserved by each
10	river segment designated by this Act in accordance
11	with the procedural requirements of the laws of the
12	State of Wyoming.
13	(2) For the purpose of the quantification of
14	water rights under this subsection, with respect to
15	each Wild and Scenic River segment designated by
16	this Act—
17	(A) the purposes for which the segments are
18	designated, as set forth in this Act, are declared
19	to be beneficial uses; and
20	(B) the priority date of such right shall be
21	the date of enactment of this Act.
22	(d) Stream Gauges.—Consistent with the Wild and
23	Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary
24	may carry out activities at United States Geological Survey
25	stream gauges that are located on the Snake River (includ-

1	ing tributaries of the Snake River), including flow measure-		
2	ments and operation, maintenance, and replacement.		
3	(e) Consent of Property Owner.—No property or		
4	interest in property located within the boundaries of any		
5	river segment described in paragraph (170) of section 3(a)		
6	of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as		
7	added by section 4(4)) may be acquired by the Secretary		
8	without the consent of the owner of the property or interes		
9	in property.		
10	(f) Effect of Designations.—		
11	(1) In general.—Nothing in this Act affects		
12	valid existing rights, including—		
13	(A) all interstate water compacts in exist-		
14	ence on the date of enactment of this Act (includ-		
15	ing full development of any apportionment made		
16	in accordance with the compacts);		
17	(B) water rights in the States of Idaho and		
18	Wyoming; and		
19	(C) water rights held by the United States.		
20	(2) Jackson lake; Jackson lake dam.—Noth-		
21	ing in this Act shall affect the management and oper-		
22	ation of Jackson Lake or Jackson Lake Dam.		
23	SEC. 6. AUTHORIZATION OF APPROPRIATIONS.		
24	There are authorized to be appropriated such sums as		
25	are necessary to carry out this Act.		

# Calendar No. 789

110TH CONGRESS S. 1281

[Report No. 110-357]

## A BILL

To amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

June 16, 2008

Reported with an amendment